

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

MAR 04 2011

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

Tricia Wachsmuth,)	
)	
Plaintiff,)	10-CV-041-J
)	
vs.)	
)	
City of Powell, Tim Feathers, Chad Miner,)	
Mike Chretien, Roy Eckerdt, Dave Brown,)	
Mike Hall, Brett Lara, Matt McCaslin,)	
Alan Kent, Matthew Danzer, Officer Brilakis,)	
Lee Blackmore, Cody Bradley, Kirk Chapman,)	
)	
Defendants.)	

**INDIVIDUAL DEFENDANTS' OBJECTION TO INSTRUCTION NO. F
AND REQUEST FOR CLARIFICATION TO THE JURY**

The Individual Defendants, by and through the Office of the Attorney General of the State of Wyoming, hereby object to Instruction No. F and request clarification to the Jury.

Instruction F instructs the jury to use only the second essential element of the cause of action to answer question 1 on the verdict form and to use essential element three of the claim to answer question 3 on the verdict form. Instruction D clearly instructs that there is no constitutional violation until all three essential elements of the claim are met. The Defendants

are concerned that the wording of the verdict form and the wording of the essential elements are not the same and could create problems with consistency.

WHEREFORE, the Defendants request that the verdict form be modified to conform to Instruction D and that the Jury be asked to answer elements two and three from Instruction D before proceeding.

DATED this 4th day of March, 2011.

/s/ Misha Westby
Misha Westby – WSB No. 6826
Senior Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2011, the foregoing was served electronically via email and U.S. Mail to the following individuals:

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